

2007

078067049

T. No.

Civil Court of the City of New York
County of BRONX

Housing Part

ROSEWALL GARDENS ASSOCIATES

Landlord

against

Respondent

Tenant

Address

10468

Undertenant

Amount Claimed \$

\$2,550.00

JAMES MORALES

CLARA POTTER

2300 SEDGWICK AVENUE

BRONX, NEW YORK

APT# 4K

10468

Undertenant

Amount Claimed \$

\$2,550.00

PETITION-NON-PAYMENT DWELLING

Notice of
Petition served on _____

Notice of
Petition returned on _____

Notice of
Petition issued on _____

Tenant appears on _____

but fails to answer.

Tenant answers on _____

Answer is _____

Set for Trial on _____

Landlord notified on _____

Sufficiency of answer referred
to court _____

Raised _____

Issue _____

Attorney for Petitioner

Judge

GUTTMAN, MINTZ, BAKER & SONNENFELD
1813 ERICHO TURNPIKE
NEW HYDE PARK, N.Y. 11040
516-775-6690

THE PETITION OF ROSEWALL GARDENS ASSOCIATES

alleges: upon Information and Belief

1. Petitioner is the landlord of the premises

2. Respondent(s) JAMES MORALES

is (are) tenant(s) in possession of said

premises pursuant to a WRITTEN

wherein respondent promised to pay to landlord as rent \$

each month in advance on the 1st day of each month

3. Respondent(s) JAMES MORALES

4. Respondents are now in possession of said premises. Said premises are

5. The premises from which removal is sought were rented for dwelling

ALL ROOMS APT#4K in building known as 2300 SEDGWICK AVENUE

situated within the territorial jurisdiction of the Civil Court of the City of New York, County of BRONX

6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$2,550.00 in rent and additional rent as follows:

AUG07 \$850.00 SEP07 \$850.00 OCT07 \$850.00

CLARA POTTER

rental agreement MADE HERE TO FORE

\$850.00

"Respondent(s) JAMES MORALES and Clara Potter are hereby notified that the premises from which removal is sought are the residence of the tenant(s) and undertenant(s) he

purposes and are described as follows:

ALL ROOMS APT#4K in building known as 2300 SEDGWICK AVENUE

situated within the territorial jurisdiction of the Civil Court of the City of New York, County of BRONX

6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$2,550.00 in rent and additional rent as follows:

AUG07 \$850.00 SEP07 \$850.00 OCT07 \$850.00

7. THE APARTMENT IS SUBJECT TO RENT STABILIZATION LAW AND THE RENT DOES NOT EXCEED THE LAWFULLY STABILIZED RENT PERMITTED UNDER THE LAW.

THE APARTMENT IS NOW SUBJECT TO THE OWNERS HOUSING ACT OF 1983 AND IS REGISTERED WITH DHCR.

78. REASONABLE LEGAL AND LATE FEES TO BE DETERMINED BY THE COURT.

8. Said rent has been demanded BY A FIVE DAY WRITTEN NOTICE from the tenant(s) since same became due.

9. Respondents have defaulted in the payments thereof, and continue in possession of premises without pre-emption after said default.

10. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling. Multiple Dwelling No. 00204159

AND CHRIS WALSH 141-50 85TH ROAD JAMAICA NEW YORK 11434

WHEREFORE Petitioner requests a final judgment against respondent(s) for the rent demanded herein, awarding possession of premises to petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with costs and disbursements of this proceeding. Dated: 10/04/07 ROSEWALL GARDENS ASSOCIATES

STATE OF NEW YORK, COUNTY OF NASSAU

that he is one of the attorneys for the Petitioner;

that he has read the foregoing petition and knows the contents thereof; that the same are true to his own knowledge except as to matters stated to be upon information and belief; and as to those matters he believes them to be true.

"The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: statements and/or records provided by petitioner, its agents and/or employees and contained in the file in the attorney's office."

This verification is made pursuant to the

Page 1

Christina Molanny, Esq.

The Undersigned affirms under penalty of per-

RICARDO DIAZ
 BRONX, NY
 State of New York, County of Nassau SS: 6/1/17
 being duly sworn, deposes and says: that deponent is not a party to this proceeding, is a licensed pro
 server over 18 years of age and resides at 2300 SEDGWICK AVENUE at 10/00 o'clock PM/P.
 upon JAMES MORALES deponent served the within NOTICE OF PETITION and PETITION
 PERSONAL SERVICE

(a) by delivering a true copy thereof to said tenant(s)/occupant(s) personally, deponent knew the person so served to be the pe
 described as said tenant(s)/occupant(s) therein.
 (b) a CLARA RODRIGUEZ corporation, by delivering thereat a true copy thereof to CLARA RODRIGUEZ
 personally, deponent knew said corporation so served to be the corporation described in said NOTICE OF PETITION and P
 TION as said tenant(s)/occupant(s) and knew said individual to be
 By delivering thereat a true copy thereof personally to a person of suitable age and discretion, who was willing to receive s
 and who resides at/employed at said property, having previously called there on 6/1/17 at 6:00 o'clock PM and on 6/1/17 at 6:00 o'clock
 and on 6/1/17 at 6:00 o'clock PM.

Deponent describes the individual served as follows:
 Sex: Male, Female
 Skin Color: White, Black, Yellow, Brown, Red
 Hair Color: White, Black, Blonde, Brown, Red, Gray, Balding
 Age: 14-20, 21-35, 36-50, 51-65, over 65
 Height: under 5', 5'0"-5'3", 5'4"-5'8", 5'9"-6'0", over 6'
 Weight: under 100, 100-130, 131-160, 161-200, over 200

Other identifying features:
 Name and Signature of individual Served:
 CONSPICUOUS PLACE
 SERVICE

Deponent describes the premises as follows:
 Elevator, Walkup Only, Storefront
 Color/Hallway Walls: White, Blue, Green, Other
 Color/Hallway Floors: White, Black, Black & White, Other
 Hallway Floors: Carpet, Tile, Other
 Color/Apt. Door: White, Black, Red, Green, Other
 Apt. Door Has: Peephole, Bell, Knocker, Nameplate, Apt #, Other

Other identifying features:
 Sworn to before me on 6/1/17
 CLARA E. RODRIGUEZ
 Notary Public, State of New York
 No. 01RO6049006
 Qualified in Nassau County
 Commission Expires 10/00/20

State of New York, County of Nassau SS:
 being duly sworn, deposes and says: that deponent is not a party to this proceeding, is a licensed pr
 server over 18 years of age and resides at 2300 SEDGWICK AVENUE at 10/00 o'clock PM/P.
 upon JAMES MORALES deponent served copies of the NOTICE OF PETITION and PETITION on tenant(s)/occup
 MAILING at 10/00 o'clock PM/P. by depositing true copies
 Notary Public, State of New York
 Sworn to before me on 6/1/17
 CLARA E. RODRIGUEZ
 Notary Public, State of New York
 No. 01RO6049006
 Qualified in Nassau County
 Commission Expires 10/00/20

RICARDO DIAZ
BRONX, NY

server over 18 years of age and resides at

at 2300 SEDGWICK AVENUE
upon ~~JAMES MORALES~~

PERSONAL SERVICE

☐

CORPORATION

☐

SUBSTITUTED SERVICE

☐

State of New York, County of Nassau SS:

being duly sworn, deposes and says: that deponent is not a party to this proceeding, is a licensed pro-
that on 08/18/17 at 10:30 A.M./P.

BRONX, NEW YORK, APT# 4K

deponent served the within NOTICE OF PETITION and PETITION
CLARA RODRIGUEZ
tenant(s)/occupant(s) therein nar-
(a) by delivering a true copy thereof to said tenant(s)/occupant(s) personally, deponent knew the person so served to be the per-
described as said tenant(s)/occupant(s) therein.

(b) a corporation, by delivering thereat a true copy thereof to
personally, deponent knew said corporation so served to be the corporation described in said NOTICE OF PETITION and PE-
TION as said tenant(s)/occupant(s) and knew said individual to be

By delivering thereat a true copy thereof personally to a person of suitable age and discretion, who was willing to receive s-
and who resides at/employed at said property, having previously called there on 08/18/17 at 10:30 o'clock AM
and on 08/18/17 at 10:30 o'clock AM.

Deponent describes the individual served as follows:

Sex: ☐ Male, ☐ Female

Skin Color: ☐ White, ☐ Black, ☐ Yellow, ☐ Brown, ☐ Red

Hair Color: ☐ White, ☐ Black, ☐ Blonde, ☐ Brown, ☐ Red, ☐ Gray, ☐ Balding

Age: 14-20, 21-35, 36-50, 51-65, over 65

Height: under 5', 5'0"-5'3", 5'4"-5'8", 5'9"-6'0", over 6'

Weight: under 100, 100-130, 131-160, 161-200, over 200

Other identifying features:

Name and Signature of individual Served:

CONSPICUOUS PLACE

SERVICE

by affixing a true copy/copies thereof upon a conspicuous part, to wit—the entrance door, of—the entrance door of
property. Deponent was unable to gain admittance thereto or to find a person of suitable age and discretion willing to receive
same, having previously called there on 08/18/17 at 10:30 o'clock AM and 08/18/17 at 10:30 o'clock AM

Deponent Describes the premises as follows:

Elevator, ☐ Walkup Only, ☐ Storefront

Color/Hallway Walls: ☐ White, ☐ Lt. Brown, ☐ Blue, ☐ Green, ☐ Other

Color/Hallway Floors: ☐ White, ☐ Brown, ☐ Black, ☐ Black & White, ☐ Other

Hallway Floors: ☐ Carpet, ☐ Tile, ☐ Other

Color/Apt. Door: ☐ White, ☐ Brown, ☐ Black, ☐ Red, ☐ Green, ☐ Other

Apt. Door Has: ☐ Peephole, ☐ Bell, ☐ Knocker, ☐ Nameplate, ☐ Apt #, ☐ Other

Other identifying features:

Sworn to before me on 08/18/17

CLARA E. RODRIGUEZ

Notary Public, State of New York

No. 01RO6049006

Qualified in Nassau County

Commission Expires 10/02/19

server over 18 years of age and resides at

MAILING

CLARA E. RODRIGUEZ, at 2300 SEDGWICK AVENUE

Notary Public, State of New York

Sworn to before me on 08/18/17

Qualified in Nassau County

Commission Expires 10/02/19

State of New York, County of Nassau SS:

being duly sworn, deposes and says: that deponent is not a party to this proceeding, is a licensed pro-

deponent served copies of the NOTICE OF PETITION and PETITION on tenant(s)/occupant(s) by depositing true copies of
104-68 by depositing true copies of
mail within the State of New York

BRONX, NEW YORK

MANUEL VAZQUEZ

BRONX, NY

Lic # 000072 Page 3

Housing Part

Rosewell Garden

LANDLORD/TENANT
ANSWER IN PERSON

Petitioner(s),

-against-

Address: 9300 Sedgwick

Respondent(s)

Morales/Potter

10468 Apt. 4K

Respondent has appeared and has orally answered the Petition as follows:

Answer

SERVICE

1. ☐ The Respondent did not receive a copy of the Notice of Petition and Petition.
2. ☐ The Respondent received the Notice of Petition and Petition, but service was not correct as required by law.

PARTIES

3. ☐ The Respondent is indicated improperly, by the wrong name, or is not indicated on the Notice of Petition and Petition.
4. ☐ The Petitioner is not the Landlord or Owner of the building, or a proper party.

RENT

5. ☐ No rent demand or proper rent demand, either oral or written, was made before this proceeding.
6. ☐ The Respondent tried to pay the rent, but the Petitioner refused to accept it.
7. ☐ The monthly rent being requested is not the legal rent or the amount on the current lease.
8. ☐ The Petitioner owes money to the Respondent because of a rent overcharge.
9. ☒ The rent, or a portion of the rent, has already been paid to the Petitioner.

APARTMENT

10. ☒ There are conditions in the apartment which need to be repaired and/or services which the Petitioner has not provided.
11. ☐ Public Assistance shelter allowance has stopped because of housing code violations in the apartment or the building.
12. ☐ The apartment is an illegal apartment.

OTHER

13. ☐ Laches.
14. ☒ General Denial.
15. ☐ Other Answer

T. DISPUTES AMOUNT

10/17/17

Dated

Clerk's Initials JB

NOTICE OF SCHEDULED APPEARANCE

This case is scheduled to appear on the calendar as follows:

DATE: 10/24/17 TIME: 9:30 PART: L SALA ROOM: 450

YOU SHOULD ARRIVE AT THE COURTHOUSE AT LEAST ONE HALF HOUR BEFORE THE ABOVE SCHEDULED TIME, TO ALLOW TIME TO BE PROCESSED THROUGH THE METAL DETECTORS. IF A SETTLEMENT IS NOT REACHED ON THE ABOVE SCHEDULED DATE THE CASE MAY BE SENT TO A TRIAL READY PART FOR A TRIAL. IF YOU WILL NOT BE READY FOR TRIAL ON THE ABOVE SCHEDULED DATE, YOU MUST ASK THE COURT FOR ANOTHER TRIAL DATE. IF THE COURT DOES NOT ACCEPT YOUR REASON FOR NOT BEING READY FOR TRIAL, AND YOUR REQUEST FOR ANOTHER TRIAL DATE IS DENIED, YOU MAY BE REQUIRED TO PROCEED TO TRIAL IMMEDIATELY.

THE CLERK CANNOT CHANGE THE SCHEDULED DATE OR TIME.

YOU MUST APPEAR AND BRING THIS FORM WITH YOU.

For assistance visit a Resource Center in the courthouse or the court's website: NYCourts.Gov/NYCHousing.

COUNTY OF SV PART

Roswell Gardens Assoc

Petitioner-Landlord

DATE

1/29/08

James Morales
Clara Potter

- against -

HON.

McClain

Respondent-Tenant

INDEX NO.

67049/07

YR INDEX NUMBER

ADDRESS

APT.

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

- (1) PETITION IS AMENDED TO INCLUDE ALL RENT DUE THROUGH 1/08
- (2) FINAL JUDGEMENT IS ENTERED IN FAVOR OF THE PETITIONER IN THE SUM OF \$ 2,801.⁰⁰
- (3) ISSUANCE OF THE WARRANT SHALL BE (FORTHWITH) EXECUTION) STAYED AS FOLLOWS:
 - (A) TENANT TO PAY \$ 2,801.⁰⁰ ON OR BEFORE 2/29/08
 - (B) TENANT TO PAY \$ _____ ON OR BEFORE _____
 - (C) TENANT TO PAY \$ _____ ON OR BEFORE _____
 - (D) TENANT TO PAY \$ _____ ON OR BEFORE _____

(4) IN THE EVENT TENANT FAILS TO MAKE ANY PAYMENT(S) ABOVE, THE WARRANT SHALL (ISSUE UPON LANDLORD'S AFFIDAVIT OF NONCOMPLIANCE OR ATTORNEYS AFFIRMATION) EXECUTE UPON SERVICE OF MARSHALL'S NOTICE.

(5) IN THE EVENT TENANT DEFAULTS ON ANY PAYMENT(S) INCLUDING CURRENT RENT, THE ENTIRE FINAL JUDGEMENT AMOUNT WILL BE DUE IMMEDIATELY.

(6) THE ABOVE FINAL JUDGEMENT AMOUNT DOES NOT INCLUDE RENT FOR THE MONTH(S) OCCURRING AFTER THIS DATE WHICH RENT IS PAYABLE WHEN DUE AS FOLLOWS:

(7) THEREFORE, ALL PAYMENT(S) RECEIVED DURING THE MONTHS HEREIN AFTER WILL BE APPLIED TO CURRENT RENT FOR THAT MONTH, AND THEN SATISFY THE JUDGEMENT AMOUNT AS PER PARAGRAPH THREE.

(8) IF ANY DISPUTED BALANCE CANNOT BE RESOLVED, THE PETITIONER MAY MOVE TO AMEND THE JUDGEMENT AMOUNT OR INSTITUTE A NEW PROCEEDING FOR SAID DISPUTED BALANCE.

(9) Petitioner waives RENTAL 717(a) for 1
OSC for good cause shown

(10) Petitioner to inspect & make repairs as
legally required. Bathroom ceiling light, leaking
ceiling. Respondent to provide access on 2/13/08
bet. 9:45 am (workers to arrive by 11:am). Condition
to be corrected w/ 30 days of access.

Resp's # 347. 726.4700

DATED:

1/29/08

GUTMAN, MINTZ, BAKER & SONNENFELDT, P.C.
ATTORNEYS FOR PETITIONERS

BY:

813 JERICHO TURNPIKE
NEW HYDE PARK, N.Y. 11040

AGENT

TENANT

Clara Potter

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX PART 11
DECISION AND JUDGMENT

INDEX # 067049/2007
JUDGMENT SEQ # 001

ROSEWALL GARDENS, ASSOCIATES

Petitioner(s)

AGAINST
MORALES, JAMES
POTTER, CLARA

Respondent(s)

Decision and judgment is rendered based upon
a stipulation entered into by the parties as follows:
Judgment of possession is granted in favor of:

ROSEWALL GARDENS, ASSOCIATES
and against

POTTER, CLARA

A counterclaim is granted in favor of the respondent in the amount of \$0.00
(which if not being entered separately is offset and reflected in the
total amount due, listed below.)

A money judgment is hereby granted, along with cost and disbursements
in the amount of \$0.00 in favor of:
ROSEWALL GARDENS, ASSOCIATES
and against
POTTER, CLARA

for a total amount of \$2601.16

(Monthly use and occupancy is set at \$0.00 per month, as per order,
stipulation or decision in record.)

Warrant to issue as per stip/order

Execution as stip

Date JAN 29 2008

Judge, Civil/Housing Court

HON. KEVIN C. McCLANAHAN

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the
clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on JAN 29 2008

Jack B...
Chief Clerk, Civil Court

Warrant issued to Marshal

On

CIV-LT-50(2006)

Page 1 of 1

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

INDEX NO. 067040/2007

SEQ NO. 001

ORDER TO SHOW CAUSE TO VACATE DEFAULT JUDGMENT AND TO RESTORE TO THE CALENDAR

ROSEWALL GARDENS

ASSOCIATES

PETITIONER(S),

AGAINST

MORALES/POTTER

JAMES/CLARA

RESPONDENT(S)

PREMISES:

2300 SEDGWICK AVENUE

4K

BRONX

NY 104680000

SPANISH INTERPRETER

UPON THE ANNEXED AFFIDAVIT (ON BEHALF) OF JAMES/CLARA MORALES/POTTER,
THE ABOVE NAMED RESPONDENT(S), SWORN TO ON FEBRUARY 20, 2008,
AND UPON ALL THE PAPERS AND PROCEEDINGS HEREIN:

LET THE PETITIONER(S) OR HIS/HER/THEIR ATTORNEY(S) SHOW CAUSE AT A
MOTION TERM OF THE

CIVIL COURT OF THE CITY OF NEW YORK

HOUSING PART: PART L, RM. 450

LOCATED AT: 1118 GRAND CONCOURSE, BRONX

ON: MARCH 13, 2008, AT 09:30 AM

OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD, WHY AN ORDER SHOULD NOT BE MADE:

VACATING THE JUDGMENT BASED ON THE RESPONDENTS FAILURE TO APPEAR,
RESTORING THE CASE TO THE CALENDAR AND/OR GRANTING SUCH OTHER
AND FURTHER RELIEF AS MAY BE JUST.

UNTIL THE ENTRY OF A COURT ORDER, ALL PROCEEDINGS BY PETITIONER,
HIS/HER ATTORNEY, AND ANY CITY MARSHAL ARE STAYED.

SERVICE OF A COPY OF THIS ORDER TO SHOW CAUSE AND ANNEXED AFFIDAVIT UPON THE
PARTY'S ATTORNEY (OR, IF HE/SHE HAS NONE, ON THE PARTY),
ATTORNEY(OR PARTY) MARSHAL:

(JUDGE TO INITIAL)

(JUDGE TO INITIAL)

BY PERSONAL SERVICE "IN HAND DELIVERY"

BY PERSONAL SERVICE "IN HAND DELIVER

BY CERTIFIED MAIL, R. R. R.

BY CERTIFIED MAIL, R. R. R.

BY FIRST CLASS MAIL WITH CERTIFICATE

BY FIRST CLASS MAIL WITH CERTIFICATE

OF MAILING AT POST OFFICE

OF MAILING AT POST OFFICE

ON OR BEFORE

2/28/08

SHALL BE DEEMED GOOD AND SUFFICIENT

PAPERS MAY BE SERVED BY THE RESPONDENT IN PERSON.

PROOF OF SUCH SERVICE MAY BE FILED WITH THE CLERK IN THE PART INDICATED ABC
OR IN THE L & T CLERK'S OFFICE, BEFORE THE RETURN DATE OF THIS ORDER TO SHOW CAUSE

ATTORNEY:

GUTMAN, MINTZ, BAKER & SONNENFELD

213 JERICHO TURNPIKE

NEW HYDEPARK, NY 11040

TELEPHONE: (516) 775-6590

MARSHAL:

KEVIN MCCLANE
JUDGE, CIVIL HOUSING COURT

DATE

DENIED

GENERATED: 02/28/2008 @ 13:25:53

CIV-LT-71 (REVISED 7/99)

Civil Court of the City of New York

COUNTY OF

Housing Part

No. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

RESIDENT CARD

(PLEASE PRESS HARD)

Index No. LT

67049-07

AFFIDAVIT IN SUPPORT OF
AN ORDER TO SHOW CAUSE TO VACATE A JUDGMENT
Based Upon a) Failure To Appear b) Failure to Comply
and

TO RESTORE TO THE CALENDAR

Address: 2300 SEDGWICK

BRONX, NY 10468

Apt. 4K

SPANISH INTERPRETER

State of New York, County of SS.:

Tenant's Initials

(Print Your Name)

being duly sworn, deposes and says:

1. PARTY

- a) I am the tenant named as respondent in the above summary proceeding.
b) I am the person claiming possession to these premises and am the of the tenant named above.

2. SERVICE and ANSWER

- I received the Notice of Petition and Petition in this proceeding, filed my answer in the Clerk's Office and received a date for trial.
I received a Holdover Notice of Petition and Petition and the date had already passed.

3. EXCUSE

- On the Date of Trial before Judge
a) a Judgment was entered against me by default for my failure to appear. My reason for not appearing in Court on the date scheduled for (Trial) (Motion) is:
b) a Judgment was entered (after trial) (after stipulation) but (I) (the Landlord) failed to comply with the Order of the Court because:

4. DEFENSE

I allege that I have a good defense because:

- I was improperly served.
the amount being claimed is incorrect.
there is credit due for rent overcharge.
the rent has been offered and refused.
there are conditions in the apartment which need repair, or services which have not been provided.
petitioner is not the owner.
no rent was demanded.
the rent has been partially/fully paid.*
I have been harassed.

*Explain rent payments, if any, or other defense: Necesito mas tiempo.
Porque estoy esperando el income tax, ya esta
lento solo espero el dinero, si necesitan copia, ya la tengo.

5. REQUEST

I request that the Judgment be vacated, that the case be restored to the calendar and that I be granted permission to serve these papers in person. *Tam waiting for the income tax*

6. PRIOR ORDER

- a) I have not had a previous Order to Show Cause regarding this index number. *return to pay.*
b) I have had a previous Order to Show Cause regarding this index number but I am making this further application because: *and the tax has not done the repair*

Sworn to before me this

28

day of

Feb

20

08

Signature of Court Employee and Title

Signature of Respondent

CIVIL COURT OF THE CITY OF NEW YORK
 COUNTY OF BRONX
 HOUSING PART L, RM. 450
 MARCH 13, 2008

INDEX NO. 067049/2007
 MOTION SEQUENCE NO. : 001

ROSEWALL GARDENS ASSOCIATES
 PETITIONER(S),
 AGAINST
 MORALES/POTTER JAMES/CLARA
 RESPONDENT(S)

DECISION/ORDER

PRESENT:

KEVIN MCCLANAHAN
 JUDGE

RECITATION, AS REQUIRED BY CPLR 2219(A), OF THE PAPERS CONSIDERED IN THE
 REVIEW OF THIS CASE TO VACATE DEFAULT JUDGMENT/RESTORE TO THE CALENDAR

PAPERS

NUMBERED

NOTICE OF MOTION AND AFFIDAVITS ANNEXED.....
 ORDER TO SHOW CAUSE AND AFFIDAVITS ANNEXED....
 ANSWERING AFFIDAVITS.....
 REPLYING AFFIDAVITS.....
 EXHIBITS.....
 STIPULATIONS.....
 OTHER.....

UPON THE FOREGOING CITED PAPERS, THE DECISION/ORDER IN THIS MOTION IS
 AS FOLLOWS:

by - Grant

Per Court Vacated

FSLC 4352-74

DATE

JUDGE, CIVIL/HOUSING COURT

ADJOURNMENTS

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX
HOUSING PART L, RM. 450
MARCH 13, 2008

INDEX NO. 067049/2007
MOTION SEQUENCE NO. 1 001

SPANISH INTERPRETER

ROSEWALL GARDENS ASSOCIATES
AGAINST PETITIONER(S),
MORALES/POTTER JAMES/CLARA
RESPONDENT(S)

DECISION/ORDER

PRESENT:

KEVIN MCCLANAHAN
JUDGE

RECITATION, AS REQUIRED BY CPLR 2219(A), OF THE PAPERS CONSIDERED IN THE
REVIEW OF THIS OSC TO VACATE DEFAULT JUDGMENT/RESTORE TO THE CALENDAR

PAPERS

NUMBERED

NOTICE OF MOTION AND AFFIDAVITS ANNEXED.....
ORDER TO SHOW CAUSE AND AFFIDAVITS ANNEXED....
ANSWERING AFFIDAVITS.....
REPLYING AFFIDAVITS.....
EXHIBITS.....
STIPULATIONS.....
OTHER.....

UPON THE FOREGOING CITED PAPERS, THE DECISION/ORDER IN THIS MOTION IS
AS FOLLOWS:

Wf. Grant
Per Court Vacated
FSL 4,352.74

DATE

JUDGE, CIVIL/HOUSING COURT

ADJOURNMENTS

CIVIL COURT FOR THE CITY OF NEW YORK
COUNTY OF Bx PART L

Rosewall Gardens Assoc.

Petitioner-
Landlord

DATE

3/11/08 3/13

- against -

HON.

McQuinnClark Potter
James MoralesRespondent-
Tenant

INDEX NO.

67049/07

YR

INDEX NUMBER

ADDRESS 2300 Sedgwick APT. Ave YK

Prior judgment vacated

CONTEMPT

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

(1) PETITION IS AMENDED TO INCLUDE ALL RENT DUE THROUGH 3/08(2) FINAL JUDGEMENT IS ENTERED IN FAVOR OF THE PETITIONER IN THE SUM OF \$ 4,352.74

(3) ISSUANCE OF THE WARRANT SHALL BE (FORTHWITH, EXECUTION) STAYED AS FOLLOWS:

(A) TENANT TO PAY \$ 4,352.74 ON OR BEFORE 4/4/08

(B) TENANT TO PAY \$ _____ ON OR BEFORE _____

(C) TENANT TO PAY \$ _____ ON OR BEFORE _____

(D) TENANT TO PAY \$ _____ ON OR BEFORE _____

(4) IN THE EVENT TENANT FAILS TO MAKE ANY PAYMENT(S) ABOVE, THE WARRANT SHALL (ISSUE UPON LANDLORD'S AFFIDAVIT OF NONCOMPLIANCE OR ATTORNEYS AFFIRMATION) EXECUTE UPON SERVICE OF MARSHALL'S NOTICE.

(5) IN THE EVENT TENANT DEFAULTS ON ANY PAYMENT(S) INCLUDING CURRENT RENT, THE ENTIRE FINAL JUDGEMENT AMOUNT WILL BE DUE IMMEDIATELY.

(6) THE ABOVE FINAL JUDGEMENT AMOUNT DOES NOT INCLUDE RENT FOR THE MONTH(S) OCCURRING AFTER THIS DATE WHICH RENT IS PAYABLE WHEN DUE AS FOLLOWS:

(7) THEREFORE, ALL PAYMENT(S) RECEIVED DURING THE MONTHS HEREIN AFTER WILL BE APPLIED TO CURRENT RENT FOR THAT MONTH, AND THEN SATISFY THE JUDGEMENT AMOUNT AS PER PARAGRAPH THREE.

(8) IF ANY DISPUTED BALANCE CANNOT BE RESOLVED, THE PETITIONER MAY MOVE TO AMEND THE JUDGEMENT AMOUNT OR INSTITUTE A NEW PROCEEDING FOR SAID DISPUTED BALANCE.

Will to inspect & repair as required by law the following
alleged repairs: (a) windows, (b) bathroom ceiling, (c) bedroom ceiling hole
Access 3/27/08

(9) James Morales, who fails to appear today & is next
currently in the military or supported by one who is, as affirmed by Clark Potter,
is defaulted & as such a default judgment is entered herein.

DATED:

GUTMAN, MINTZ, BAKER & SONNENFELDT, P.C.
ATTORNEYS FOR PETITIONERSBY: CU
813 JERICHO TURNPIKE
NEW HYDE PARK, N.Y. 11040

AGENT

TENANT

Page 11

JUDGEMENT

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX PART
DECISION AND JUDGMENTINDEX # 067049/2007
JUDGMENT SEQ # 002

ROSEWALL GARDENS, ASSOCIATES

Petitioner(s)

AGAINST
MORALES, JAMES
POTTER, CLARA

Respondent(s)

Decision and judgment is rendered based upon
a stipulation entered into by the parties as follows:

Judgment of possession is granted in favor of:

ROSEWALL GARDENS, ASSOCIATES

and against

POTTER, CLARA

A counterclaim is granted in favor of the respondent in the amount of \$0.00
(which if not being entered separately is offset and reflected in the
total amount due, listed below.)A money judgment is hereby granted, along with cost and disbursements
in the amount of \$0.00 in favor of:

ROSEWALL GARDENS, ASSOCIATES

and against

POTTER, CLARA

for a total amount of \$4352.74

(Monthly use and occupancy is set at \$0.00 per month, as per order,
stipulation or decision in record.)

Warrant to issue forthwith

Execution

4-4-2008

Date MAR 13 2008

WON. KEVIN C. McCLANAHAN

Judge, Civil/Housing Court

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the
clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on

MAR 13 2008

Chief Clerk, Civil Court

Warrant issued to Marshal

On

CIV-LT-50(2006)

Page 1 of 1

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX PART I
DECISION AND JUDGMENTINDEX # 067049/2007
JUDGMENT SEQ # 003

ROSEWALL GARDENS, ASSOCIATES

Petitioner(s)

AGAINST
MORALES, JAMES
POTTER, CLARA

Respondent(s)

Decision and judgment is rendered based upon
respondents failure to appear for trial as follows:

Judgment of possession is granted in favor of:

ROSEWALL GARDENS, ASSOCIATES

and against

MORALES, JAMES

A counterclaim is granted in favor of the respondent in the amount of \$0.00
(which if not being entered separately is offset and reflected in the
total amount due, listed below.)A money judgment is hereby granted, along with cost and disbursements
in the amount of \$0.00 in favor of:

ROSEWALL GARDENS, ASSOCIATES

and against

MORALES, JAMES

for a total amount of \$0.00

(Monthly use and occupancy is set at \$0.00 per month, as per order,
stipulation or decision in record.)

Warrant to issue after 03/18/2008

Execution

Date

MAR 12 2008

Judge, Civil/Housing Court

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the
clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

MAR 12 2008

Judgment entered in accordance with the above on

Chief Clerk, Civil Court

Warrant issued to Marshal

On

CIV-LT-50(2006)

Page 1 of 1

RICHARD E. MCCOY
MARSHAL
CITY OF NEW YORK

241-04 HILLSIDE AVENUE
BELLEROSE, NEW YORK 11426
718-347-6844

WARRANT REQUISITION

COUNTY BRONXINDEX NUMBER B-07-067049MARSHAL'S DOCKET # 243050

***** PETITIONER(S) *****

***** RESPONDENT(S) *****

ROSEWALL GARDENS ASSOCIATESJAMES MORALESCLARA POTTER

..... ADDRESS

2300 SEDGWICK AVENUEAPT# 4KALL ROOMSBRONX, NEW YORK10468N/P X H/O A/T X DEF RES X COM

COMMENTS: _____

DATE 3/17/08

SIGNATURE _____

RICHARD E. MCCOY

CITY MARSHAL BADGE# 43

ROSEWALL GARDENS ASSOCIATES,

Plaintiff (Judgment Creditor),

-against-

James Morales,

Defendant(s) (Judgment Debtor(s)).

INFORMATION
SUBPOENA WITH
RESTRAINING NOTICE

L & T

File No. 3594-1

Index No. 67409/07

THE PEOPLE OF THE STATE OF NEW YORK

To: TD Bank N. A.
Levy Department
P.O. Box 1060
Cherry Hill, NJ 08034
Account Holds and Levies

RE: ROSEWALL GARDENS ASSOCIATES v James Morales

WHEREAS, there is an action in the above entitled Court, between the above named Plaintiff and Defendant who are all the parties named in said action, and a Judgment, which was entered on 03/13/2008 in favor of the Plaintiff, ROSEWALL GARDENS ASSOCIATES against the Defendant James Morales, in the total amount of 4352.74 of which 4352.74, together with interest thereon from the date of entry of Judgment remains due and unpaid.

WHEREAS, it appears that you may be in possession or custody of property which Judgment Debtor has an interest.

NOW THEREFORE, YOU ARE HEREBY COMMANDED, to furnish to the undersigned, in writing under oath, separate, complete and full answers to each written question on the questionnaire accompanying this Subpoena, and each answer referring to the questions to which it responds must be clearly notes; YOU MUST RETURN THE ANSWERS TOGETHER WITH THE ORIGINAL QUESTIONNAIRE WITHIN SEVEN (7) DAYS, after your receipt of this Subpoena.

RESTRAINING NOTICE

PLEASE TAKE NOTICE, that pursuant to subdivision (b) of Section 5222 of the CPLR which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, interference with any property in which you have an interest, except as therein provided And that this notice also covers all property in which the Judgment Debtor has an interest hereinafter coming into your possession or custody, and all debts hereafter coming due from you to the Judgment Debtor.

CIVIL PRACTICE LAW AND RULES

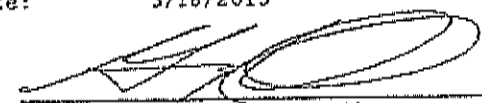
Section 5222(b) Effect of restrain, prohibition of transfer, duration. A judgment debtor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he has an interest, except upon direction of the sheriff or pursuant to an order of the Court, until the Judgment is satisfied or vacated. A restraining notice served upon a person other than the Judgment Debtor is effective only if, at the time of service, he owes a debt to the Judgment Debtor or he is in possession or custody of property in which he knows or has reason to believe the Judgment Debtor has an interest, or if the judgment credit has stated in the notice that a specified debt is owned by the person served to the judgment debtor or that the judgment debtor has an interest in specified property in the possession or custody of the person served, all property in which the judgment debtor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor, shall be subject to the notice, such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interest with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff of pursuant to an order of the Court, until the expiration of one year after the notice is served upon him or until the judgment is satisfied or vacated, whichever event first occurs. A judgment creditor who has a specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor, for any damages sustained by reason of the restrain. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor in an amount equal to twice the amount due on the judgment, the restraining notice is not effective as to other property or money.

Funds Defined as "exempt" or otherwise excluded under applicable law must not be restrained under this notice. If you have any questions regarding such funds, refer to the attached information subpoena, or contact your attorney or the undersigned.

PLEASE TAKE FURTHER NOTICE that false swearing or failure to comply with this Subpoena and Restraining Notice is punishable as a Contempt of Court.

Date: 3/18/2015

RESPONSE IS ONLY REQUIRED IF JUDGEMENT DEBTOR(S)
HAS EVER HAD A RELATIONSHIP WITH YOUR INSTITUTION



Gary Kavulich Esq.
Kavulich & Associates, P.C.
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573
(914) 355-2074

DO NOT RESTRAIN IF ONLY EXEMPT
MONIES IN ANY DEPOSITORY ACCOUNT

Civil Court of the City of New York
County of Bronx

Index No. L&T 67409/07
Claim No. 3594

ROSEWALL GARDENS ASSOCIATES

Plaintiff,

-against-

**EXECUTION
WITH NOTICE
TO GARNISHEE**

James Morales,
[REDACTED]

Defendant.

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OR ANY MARSHAL OF THE CITY OF NEW YORK, GREETING;

WHEREAS, in an action in the Civil Court of the City of New York, County of Bronx

between ROSEWALL GARDENS ASSOCIATES,	as Plaintiff and
James Morales,	as Defendant
who are all the parties named in said action, a judgment was entered on	03/13/2008
in favor of ROSEWALL GARDENS ASSOCIATES,	Judgment-Creditor
and against James Morales,	Judgment-Debtor

whose last known address is 1160 Cromwell Avenue, Apt. #2A, Bronx, NY 10452-8723

in the amount of \$4,352.74 including costs, of which \$0.00 interest thereon from 03/13/2008 remains due and unpaid;

NOW, THEREFORE, WE COMMAND YOU as satisfy the said judgment out of the personal property of the above named Judgment-Debtor and the debts due to him; and that only the property in which said Judgment-Debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; AND TO RETURN this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execution is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor.

NOTICE TO GARNISHEE TO: TD Bank
855 Franklin Avenue
Garden City, NY 11530

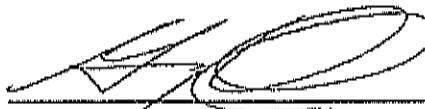
WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the Judgment Debtor has an interest, including, without limitation, the following specified debt and property:

NOW, THEREFORE, YOU ARE REQUIRED by section 5232(a) of the Civil Practice Law and Rules forthwith to transfer to the said sheriff or marshal all personal property not capable of delivery in which the Judgment-Debtor is known or believed to have an interest ow in or hereafter coming into your possession or custody including any property specified in this notice; and to pay to the said sheriff or marshal, upon maturity, all debts now due or hereafter coming due from you to the Judgment Debtor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as it provided by any order of the court service upon you whichever event first occurs, you are forbidden to make or suffer any sale assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than said sheriff or marshal, except upon directions of said sheriff or marshal or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this execution, or of such further time as the court upon motion of the Judgment-Creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to said sheriff or marshal or as to which a proceeding under sections 5225 or 5227 of the Civil Practice Law and Rules has been brought.

Dated: 4/27/2015



Gary Kavulich, Esq.
Kavulich & Associates, P. C.
181 Westchester Avenue, Suite 500
Port Chester, NY 10573
(914) 355-2074



NEW YORK CITY MARSHAL

Stephen W. Biegel

109 West 38th Street, Suite 200 · New York, NY 10018

Phone: (212) MARSHAL (627-7425) · Fax: (212) 398-2000

NYC@MarshalBiegel.com · www.NewYorkCityMarshal.com

LEVY AND DEMAND ON

TD BANK

401 FIFTH AVENUE (AT 37TH STREET)

NEW YORK NY 10016

April 27, 2015

JUDGMENT CREDITOR
ROSEWALL GARDENS ASSOCIATES

VS

JAMES MORALES

JUDGMENT DEBTOR

MARSHAL'S DOCKET # E-21285

Attached you will find a Property Execution with Notice to Garnishee. As directed under CPLR §5232(a), you are required to turn over to me all property of the judgment debtor currently in your possession or custody, not to exceed the following amount:

Judgment.	\$4,352.74
Interest.	\$2,795.33
Statutory Fees.	\$85.00
Expense.	\$0.96
Poundage.	\$361.70
TOTAL	\$7,595.73

Should you have any questions, kindly contact my office.

FOR BANK USE ONLY. Please checkmark account status: ☒

- | | |
|---|--|
| <input type="checkbox"/> Check is enclosed and accounts released | <input type="checkbox"/> Account(s) closed on: _____ |
| <input type="checkbox"/> No account or assets maintained at this office | <input type="checkbox"/> Joint account / Turnover needed |
| <input type="checkbox"/> Account open but contains no funds. | <input type="checkbox"/> The account of the judgment debtor is overdrawn |

Name: _____ Position: _____

I AGREE THAT THE FOLLOWING FORMS ARE ATTACHED TO THIS LEVY:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Execution | <input type="checkbox"/> Information subpoena | <input type="checkbox"/> Copy of check |
| <input checked="" type="checkbox"/> Exemption notice and claim forms | <input type="checkbox"/> Restraining notice | <input type="checkbox"/> Other _____ |

SIGNATURE OF OFFICIAL ACCEPTING LEVY: _____

PRINTED NAME: _____ DATE: _____

(BANKATT)

EXEMPTION NOTICE

as required by New York Law

YOUR BANK ACCOUNT IS RESTRAINED OR "FROZEN"

The attached Restraining Notice or notice of Levy by Execution has been issued against your bank account. You are receiving this notice because a creditor has obtained a money judgment against you, and one or more of your bank accounts has been restrained to pay the judgment. A money judgment is a court's decision that you owe money to a creditor. You should be aware that FUTURE DEPOSITS into your account(s) might also be restrained if you do not respond to this notice.

You may be able to "vacate" (remove) the judgment. If the judgment is vacated, your bank will be released. Consult an attorney (including free legal services) or visit the court clerk for more information about how to do this.

Under state and federal law, certain types of funds cannot be taken from your bank account to pay a judgment. Such money is said to be "exempt".

DOES YOUR BANK ACCOUNT CONTAIN ANY OF THE FOLLOWING TYPES OF FUNDS?

1. Social Security;
2. Social Security disability (SSD);
3. Supplemental security income (SSI);
4. Public assistance (welfare);
5. Income earned while receiving SSI or public assistance;
6. Veterans benefits;
7. Unemployment insurance;
8. Payments from pensions and retirement accounts;
9. Disability benefits;
10. Income earned in the last 60 days (90% of which is exempt);
11. Workers' compensation benefits;
12. Child support;
13. Spousal support or maintenance (alimony);
14. Railroad retirement; and/or
15. Black lung benefits;

If YES, you can claim that your money is exempt and cannot be taken.

To make a claim, you must

- a) complete the EXEMPTION CLAIM FORM attached;
- b) deliver or mail the form to the bank with the restrained or "frozen" account; and
- c) deliver or mail the form to the creditor or its attorney at the address listed on the form.

You must send the forms within 20 days of the postmarked date on the envelope holding this notice. You may be able to get your account released faster if you send to the creditor or its attorney written proof that your money is exempt. Proof can include an award letter from the government, an annual statement from your pension, pay stubs, copies of checks, bank records showing the last two months of account activity, or other papers showing that the money in your bank account is exempt. If you send the creditors attorney proof that the money in your account is exempt, the attorney must release that money within seven days. You do not need an attorney to make an exemption claim using the form.

MARSHAL'S DOCKET # E-21285

(EXEMPTION)

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BORNX INDEX# L&T67409/07

Docket # E-21285

Judgment Creditor
ROSEWALL GARDENS ASSOCIATES

EXEMPTION CLAIM FORM

vs

Judgment Debtor
JAMES MORALES

1160 CROMWELL AVENUE APT# 2A
BRONX, NY 10452

NAME AND ADDRESS OF JUDGMENT
CREDITOR OR ATTORNEY

ADDRESS A

KAVULICH & ASSOCIATES, PC

181 WESTCHESTER AVE.
PORT CHESTER, NY 10573

NAME AND ADDRESS OF
FINANCIAL INSTITUTION

ADDRESS B

TD BANK

401 FIFTH AVENUE (AT 37TH STREET)
NEW YORK, NY 10016

Directions: To claim that some or all of the funds in your account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to ADDRESS A and one form to ADDRESS B within twenty days of the date on the envelope holding this notice. *****If you have any documents such as an award letter, an annual statement from your pension, paystubs, copies of checks or bank records showing the last two months of account activity, include copies of the documents with this form. Your account may be released more quickly.

I state that my account contains the following type(s) of funds (check all that apply):

- ☐ Social Security
- ☐ Social Security disability (SSD)
- ☐ Supplemental security income (SSI)
- ☐ Public assistance
- ☐ Wages while receiving SSI or public assistance
- ☐ Veterans benefits
- ☐ Unemployment insurance
- ☐ Payments from pensions and retirement accounts
- ☐ Income earned in last 60 days (90% of which is exempt)
- ☐ Child support
- ☐ Spousal support or maintenance (alimony)
- ☐ Workers' compensation benefits
- ☐ Railroad retirement or Black lung benefits
- ☐ Other (describe exemption) _____

I request that any correspondence to me my claim be sent to
The following address: _____

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR

(EXHIBIT C)

County of Bronx

INDEX NO. 67409/07

FILE NO. 3594-1

ROSEWALL GARDENS ASSOCIATES /Plaintiff

EXEMPTION CLAIM FORM

VS

James Morales /Defendant
[REDACTED]NAME AND ADDRESS OF JUDGEMENT
CREDITOR OR ATTORNEYADDRESS AKAVULICH & ASSOCIATES, P.C.
SUITE 500C
181 WESTCHESTER AVENUE
PORT CHESTER, NY 10573NAME AND ADDRESS OF FINANCIAL
INSTITUTIONADDRESS BTD Bank N. A.
Levy Department
P.O. Box 1880
Cherry Hill, NJ 08034

Directions: To claim that some or all of the funds in your account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to ADDRESS A and one form to ADDRESS B within twenty days of the date on the envelope holding this notice.

*****If you have any documents such as an award letter, an annual statement from your pension, pay stubs, copies of checks or bank records showing the last two months of account activity, include copies of those documents with this form. Your account may be released more quickly.

I state that my account contains the following type(s) of funds (check all that apply):

- ☐ Social Security
☐ Social Security Disability (SSD)
☐ Supplemental Security Income (SSI)
☐ Public assistance
☐ Wages while receiving SSI or public assistance
☐ Veterans benefits
☐ Unemployment insurance
☐ Payments from pensions and retirement accounts
☐ Income earned in last 60 days (90% of which is exempt)
☐ Child support
☐ Spousal support or maintenance (alimony)
☐ Workers' compensation benefits
☐ Railroad retirement or Black lung benefits

☒ Other (describe exemption) Earned income from the past 60 days

I request that any correspondence to me my claim be sent to

the following address: 2400 Walton Ave, Apt 4

Brooklyn, NY 10468

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR

4-30-15

James Morales

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34H

NO CALENDAR NUMBER ASSIGNED

L&T INDEX NO. 67409/07

FILE NO. 3594

-----X
ROSEWALL GARDENS ASSOCIATES,

Petitioner,

NOTICE OF MOTION

- against -

POST- POSSESSION

MONEY ENFORCEMENT

JAMES MORALES,
CLARA POTTER,
TD BANK, N.A.,

Respondents.
-----X

MOTION BY:

Kavulich & Associates, P.C.
Attorneys for Petitioner

DATE, TIME AND PLACE
OF HEARING:

May 18, 2015
9:30 a.m.
Motion Term: Part 34H, Room 503
Civil Court of the City of New York
County of Bronx
851 Grand Concourse
Bronx, NY 10451

Never calendared

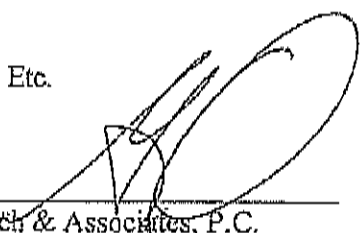
Affirmation of Gary Kavulich, Esq., dated
May 5, 2015, and upon all the papers and
proceedings heretofore had herein.

RELIEF REQUESTED:

Order: directing JP Morgan Chase Bank, N.A. to release all non-exempt funds it presently holds of Judgment-Debtor/Respondent James Morales Francois to the Petitioner forthwith, and for such other and further relief as to this court may seem just and proper.

Dated: Port Chester, New York
May 5, 2015

Yours, Etc.



Kavulich & Associates, P.C.
By: Gary Kavulich, Esq.
Attorneys for Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
Phone (914) 355-2074

TO: James Morales
2400 Walton Avenue, Apt. H
Bronx, NY 10468

Clara Potter
2430 Morris Avenue, Apt. 4B
Bronx, NY 10468

JP Morgan Chase Bank, N.A.
Court Orders & Levies Department
PO Box 183164
Columbus, OH 43218

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34H

L&T INDEX NO. 67409/07
FILE NO. 3594

-----X
ROSEWALL GARDENS ASSOCIATES,

Petitioner,

NOTICE OF MOTION

- against -

POST- POSSESSION
MONEY ENFORCEMENT

JAMES MORALES,
CLARA POTTER,
TD BANK, N.A.,

Respondents.

-----X
Gary Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury pursuant to CPLR 2106.

1. I am a member of the law office of Kavulich & Associates, P.C., attorneys for the Petitioner herein, and as such, I am fully familiar with the facts and circumstances of the within proceeding, except as to those matters stated to be based upon information and belief, and as to those matters, I believe them to be true. The basis of my belief is information furnished to me by my client, information contained within the Court's file, and information contained within the file as maintained by your affirmant's office.
2. I make this affirmation in support of the instant motion for an Order directing TD Bank, N.A. (hereinafter "the Bank") to release to the Petitioner all non-exempt funds presently held by the Bank in the Respondent/Judgment Debtors' account(s) (hereinafter "Respondent") and for such other and further relief as to this court may seem just and proper.
3. The within proceeding was commenced by the Petitioner against the Respondent and co-Respondent Clara Potter in the Civil Court of the City of New York, County of Bronx, Housing Part, under the instant index number.
4. Thereafter, Petitioner obtained a money judgment on or about March 13, 2008, against the Respondents in the sum of \$4,352.74. Annexed hereto as Exhibit "1" is a copy of said judgment.
5. Thereafter, your affirmant's office began execution measures to collect on the outstanding judgment.

6. The Petitioner has garnished co-Respondent/Judgment Debtor Clara Potter and there remains, as of today, a balance due of \$1,811.08.
7. No monies have been received since December 28, 2011.
8. As a part of those execution measures, your affiant's office served upon the Bank a restraining notice with information subpoena on or about April 2, 2015.
9. Thereafter, our offices were notified by the Defendant that his bank account had been restrained.
10. Your affiant's office had not yet received a response to the restraining notice from the Bank.
11. As such, your affiant's office called the Bank and was advised that the Defendant's account was restrained, after applying the exemption amount, in the sum of \$20,749.26.
12. To this date, we have not received a written response from the Bank.
13. Thereafter, on May 5, 2015, your affiant received an Exemption Claim Form from the Defendant. Annexed hereto as Exhibit "2" is a copy of said Exemption Claim Form.
14. As a part of his Exemption Claim, the Defendant alleges that monies being deposited into said account(s) contain funds earned from unemployment within the last 60 days. Please see aforementioned Exhibit "2."
15. However, while said account(s) may contain some of such monies, assuming for this moment that said claim is true, there is no accounting of the funds in the account(s). Please see aforementioned Exhibit "2."
16. Defendant's claim for exemption that he should not have his account garnished because it contains such funds cannot be granted as there is no accounting of the funds in the subject account(s). Please see aforementioned Exhibit "2."
17. Moreover, Defendant has not offered a bank statement or any alternative proof that the monies stated in the account(s) consist of only exempt funds.
18. If the funds were/are co-mingled with non-exempt funds, the law clearly states that the otherwise exempt funds lose their protected status.

19. Thereafter, and pursuant to the directive in said Exemption Claim Form, your affirmant's office caused to be served upon the Bank a copy of this motion as an Objection to the Claimed Exemption. Annexed hereto as Exhibit "3" is a copy of the cover page and facsimile transmittal form illustrating the service of said Objection.
20. Without comprehensive proof of what funds are in the subject account(s) and that they meet the statutory requirements entitling those funds to an exemption, Plaintiff/Judgment-Creditor is entitled to any non-exempt funds to satisfy the underlying judgment.
21. Since entry of the judgment, no monies have been paid by the Defendants or any other source.
22. No prior application for the relief requested herein has been made.

WHEREFORE, your affirmant respectfully requests that the within motion be granted in all respects and for such other and further relief as to this Court may seem just and proper.

Dated: Port Chester, NY
May 5, 2015



Kavulich & Associates, P.C.
By: Gary Kavulich, Esq.
Attorneys for Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
(914) 355-2074

CIVIL COURT OF THE CITY OF NEW YORK

COUNTY OF ESSEX: PART L

Rosewell Gardens Assoc

Petitioner-
Landlord.

DATE _____

31.5

- against -

HỒN

Respondent-Tenant

INDEX NO

YF

INDEX NUMBER

ADDRESS 2320 Sergeant APT. Ave 4K

Piper nigrum var. *nigrum*

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

(1) PETITION IS AMENDED TO INCLUDE ALL RENT DUE THROUGH 3/08

(2) FINAL JUDGEMENT IS ENTERED IN FAVOR OF THE PETITIONER IN THE SUM OF \$ 4,352.71

(3) ISSUANCE OF THE WARRANT SHALL BE (FORTHWITH, EXECUTION) STAYED AS FOLLOWS:

(A) TENANT TO PAY \$ 4,352.77 ON OR BEFORE 4/1/68

(B) TENANT TO PAY \$ _____ ON OR BEFORE _____

(C) TENANT TO PAY \$ _____ ON OR BEFORE _____

(D) TENANT TO PAY \$_____ ON OR BEFORE _____

(4) IN THE EVENT TENANT FAILS TO MAKE ANY PAYMENT(S) ABOVE, THE WARRANT SHALL (ISSUE UPON LANDLORD'S AFFIDAVIT OF NONCOMPLIANCE OR ATTORNEY'S AFFIRMATION) EXECUTE UPON SERVICE OF MARSHALL'S NOTICE.

(5) IN THE EVENT TENANT DEFAULTS ON ANY PAYMENT(S) INCLUDING CURRENT RENT, THE ENTIRE FINAL JUDGEMENT AMOUNT WILL BE DUE IMMEDIATELY.

(6) THE ABOVE FINAL JUDGEMENT AMOUNT DOES NOT INCLUDE RENT FOR THE MONTH(S) OCCURRING AFTER THIS DATE WHICH RENT IS PAYABLE WHEN DUES AS FOLLOWS:

(7) THEREFORE, ALL PAYMENT(S) RECEIVED DURING THE MONTHS HEREIN AFTER WILL BE APPLIED TO CURRENT RENT FOR THAT MONTH, AND THEN SATISFY THE JUDGEMENT AMOUNT AS PER PARAGRAPH THREE.

(8) IF ANY DISPUTED BALANCE CANNOT BE RESOLVED, THE PETITIONER MAY MOVE TO AMEND THE JUDGEMENT AMOUNT OR INSTITUTE A NEW PROCEEDING FOR SAID DISPUTED BALANCE.

17) LL to report - 17 pairs as requested under the following
alleged reports: (a) - unknown, (b) - bullseye ceiling, (c) - American ceiling, (d) - h.k.
Access 3/27/08

(10) James Morales, who failed to appear today, is currently in the military as suggested in the letter to the police. He is also a member of the same church.

DATED:

GUTMAN, MINTZ, BAKER & SONNENFELDT, P.C.
ATTORNEYS FOR PETITIONERS

BY: [Signature]
813 JERICHO TURNPIKE
NEW HYDE PARK, N.Y. 11040

AGENT

TENANT

EXHIBIT 2

INDEX NO. 67409/07

FILE NO. 3594-1

ROSEWALL GARDENS ASSOCIATES /Plaintiff

EXEMPTION CLAIM FORM

VS

James Morales /Defendant
[REDACTED]NAME AND ADDRESS OF JUDGEMENT
CREDITOR OR ATTORNEYADDRESS AKAVULICH & ASSOCIATES, P.C.
SUITE 500C
181 WESTCHESTER AVENUE
PORT CHESTER, NY 10573NAME AND ADDRESS OF FINANCIAL
INSTITUTIONADDRESS BTD Bank N. A.
Levy Department
P.O. Box 1880
Cherry Hill, NJ 08034

Directions: To claim that some or all of the funds in you account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to ADDRESS A and one form to ADDRESS B within twenty days of the date on the envelope holding this notice.

*****If you have any documents such as an award letter, an annual statement from your pension, pay stubs, copies of checks or bank records showing the last two months of account activity, include copies of those documents with this form. Your account may be released more quickly.

I state that my account contains the following type(s) of funds (check all that apply):

- ☐ Social Security
☐ Social Security Disability (SSD)
☐ Supplemental Security Income (SSI)
☐ Public assistance
☐ Wages while receiving SSI or public assistance
☐ Veterans benefits
☐ Unemployment insurance
☐ Payments from pensions and retirement accounts
☐ Income earned in last 60 days (90% of which is exempt)
☐ Child support
☐ Spousal support or maintenance (alimony)
☐ Workers' compensation benefits
☐ Railroad retirement or Black lung benefits
☒ Other (describe exemption) Earned income from the past 60 days

I request that any correspondence to me my claim be sent to
the following address: 2400 Walton Ave, Apt 4

Bronx, NY 10468

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

4-30-15

DATE

SIGNATURE OF JUDGMENT DEBTOR
James Morales

EXHIBIT 3

181 Westchester Ave
 Suite 500C
 Port Chester, NY 10573
 Phone: (914) 355-2074
 Fax: (914) 355-2078

Kavulich & Associates, P.C.

Fax

To: T.D. Bank From: Gary Kavulich
 Attn: Lexy Dept.
 Fax: 856-914-3704 Pages: 13
 Phone: _____ Date: May 5, 2015
 Re: Objection to Exemption Claim: James Morales (Act. Holder)
 Urgent: _____ For Review: _____ Please Comment: _____ Please Reply: _____
 Comments: _____

05/05/2015 17:39

P.001

 *** TX REPORT ***

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181 Westchester Ave
Suite 500C
Port Chester, NY 10573
Phone: (914) 355-2074
Fax: (914) 355-2078

Kavulich & Associates, P.C.

Fax

To: T.D. Bank From: Gary Kavulich
Attn: Levy Dept.
Fax: 856-914-3704 Pages: 13
Phone: _____ Date: May 5, 2015
Re: Objection to Exemption Claim: James Morales (Act. Holder)
Urgent _____ For Review _____ Please Comment _____ Please Reply _____
Comments: _____

This facsimile contains information which is confidential and/or legally privileged. This information is intended for use only by the addressee indicated above. If you are not the intended recipient, please be advised that any disclosure, copying and/or distribution of the contents of this information is strictly prohibited, and that any misdirected or otherwise improperly received information must be returned to the firm immediately. Your cooperation in advising us of erroneous receipt is hereby requested.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34H

L&T INDEX NO. 67409/07
FILE NO. 3594

-----X
ROSEWALL GARDENS ASSOCIATES,

Petitioner,

AFFIRMATION OF
SERVICE

- against -

JAMES MORALES,
CLARA POTTER
TD BANK, N.A.,

Respondents.

-----X
-
Gary Kavulich, Esq., an attorney duly admitted to practice law before the courts of the State of New York hereby affirms the following under the penalty of perjury.

On May 5, 2015, I served the within Notice of Motion and Motion upon James Morales and Clara Potter, the Respondents/Judgment-Debtors in this action, and TD Bank, N.A. by depositing a true copy in a post paid envelope addressed to:

James Morales
2400 Walton Avenue, Apt. H
Bronx, NY 10468

Clara Potter
2430 Morris Avenue, Apt. 4B
Bronx, NY 10468

TD Bank, N.A.
Levy Department
PO Box 1880
Cherry Hill, NJ 08034

And Via Facsimile to TD Bank, N.A. @ (856) 914-3704

in an official depository under the exclusive dominion and control of the United States Postal Service within the State of New York via regular first class mail with certificate of mailing.



Gary Kavulich, Esq.